

A-1948
Tree Removal Appeal

Removal of one 17.0-inch diameter (53.5-inch circumference) Zelkova tree located in the east (side) yard of the property, to accommodate a proposed addition.

Dafna Tapiero &
Alan H. Fleischmann
134 Grafton Street

134 Grafton Street



Figure 1: View of 134 Grafton Street. The subject tree is in the left (east) side/rear yard.



Figure 2: Subject Zelkova tree, marked with pink ribbon.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 10th day of October, 2011 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-1948
MS. DAFNA TAPIERO &
MR. ALAN H. FLEISCHMANN
134 GRAFTON STREET
CHEVY CHASE, MARYLAND 20815**

The applicants have filed an appeal pursuant to Section 17-4 (b) of the Chevy Chase Village Urban Forest Code to remove one 17.0-inch diameter (53.5-inch circumference) Zelkova tree located in the east (side) yard of the property, to accommodate a proposed addition.

The Chevy Chase Village Code § 17-4 (b) states:

The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 29th day of September, 2011.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-1948

**MS. DAFNA TAPIERO &
MR. ALAN H. FLEISCHMANN
134 GRAFTON STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. & Mrs. Stanley Macel Or Current Resident 129 Grafton Street Chevy Chase, MD 20815	Mr. & Mrs. Robert Maruszewski Or Current Resident 127 Grafton Street Chevy Chase, MD 20815
Ms. Henrietta C. Vent Or Current Resident 136 Grafton Street Chevy Chase, MD 20815	Ms. Ann S. O'Malley Or Current Resident 4103 Oliver Street Chevy Chase, MD 20815
Mr. & Mrs. Michael Denger Or Current Resident 5802 Kirkside Drive Chevy Chase, MD 20815	Ms. Jayne Shister & Mr. Philip Weber Or Current Resident 5800 Kirkside Drive Chevy Chase, MD 20815
Mr. William Nance Or Current Resident 4105 Oliver Street Chevy Chase, MD 20815	

I hereby certify that a public notice was mailed to the aforementioned property owners on the 29th day of September, 2011.



**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

From the desk of...

Ellen Sands, Permitting & Code Enforcement
5906 Connecticut Avenue
Chevy Chase, MD 20815
Phone (301) 654-7300
Facsimile (301) 907-9721
ccvpermitting@montgomerycountymd.gov
www.chevychasevillagemd.gov

Memo

To: Tree Committee
From: Ellen Sands, Permitting & Code Enforcement Coordinator
Date: 9/29/2011
Re: Tree Removal Appeal: A-1948

The owners of 134 Grafton Street, Ms. Dafna Tapiero & Mr. Alan H. Fleischmann, have requested the removal of one 17.0-inch diameter (53.5-inch circumference) Zelkova tree located in the east (side) yard of the property to accommodate a proposed addition.

This request will be heard by the Board of Managers at its regular meeting on Monday, October 10, 2011 at 7:30 p.m.

This request is being brought to the Tree Committee's attention so the Committee Chair can provide the Committee's feedback to the Board. Attached please find supporting information pertaining to this request. The tree has been flagged with a pink ribbon.

Please feel free to contact me directly should you have any questions, need additional information, and/or to submit your comments regarding this request.

Enclosures

CHEVY CHASE
VILLAGE
ESTABLISHED 1890

Chevy Chase Village Tree Removal Permit Application

Permit No. A-1948

All trees on private property with trunks that measure at least twenty-four (24) inches in circumference (or 7.7 inches in diameter) at four and one-half (4½) feet above ground level require a Village permit to be removed.

Property Address: <u>134 Grafton Street</u> <u>Chevy Chase, MD 20815</u>	
Resident: <u>Alan H. Fleischmann and Dafna Tapiero</u>	
Telephone: <u>301-685-3346 (*cell: 202-281-4171)</u>	
E-mail: <u>dafnatapiero@yahoo.com</u>	
Tree Removal Contractor (required):	
Business Name:	
Owner:	
Address:	
Telephone:	Fax:
E-mail:	
MD Dept. of Natural Resources (DNR) License No. (required):	
<i>For Village office staff use:</i>	
Is this property located within the historic district? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Date application submitted to Village Office: <u>9/19/11</u>	Staff initials <u>GS</u>
Date approved or denied: <u>9/19/11</u>	

Village Code Chapter 17. Urban Forest §17-1 and 17-2. Permit Required.

"No person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

Village Code §17-3. Permit Standards.

The Village Manager may issue a permit *only* if at least one (1) of the following conditions applies:

- The tree is diseased beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- The tree is dead or dying, or is in danger of falling;
- The tree constitutes a hazard to the safety of persons;
- The tree constitutes a hazard and threatens injury to property;
- The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.

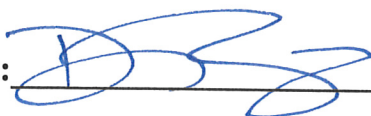
An applicant who is denied a tree removal permit by the Village Manager may appeal that decision to the Board of Managers. Any appeal must be in writing and made within ten (10) days of the permit denial.

Filing Requirements

- Copy of the findings and recommendations report from the Village Arborist.
- This completed application, including the tree contractor's name, phone number and MD-DNR License No.
- Payment of \$50.00 per tree filing fee for a Village Tree Removal Permit application, up to a max. of \$350.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature:



Date: 9-12-2011

Tree Removal Plans (including reforestation plan, if any)	
<p><i>Remove Zelkova showing early splitting signs. Will reforest with 1 tree (in addition to 8 existing trees (2 large with 4'10" diameter and 38" diameter trunks) from reforestation guidelines. Likely to plant American "Princeton" Elm.</i></p>	
For Use By Village Manager	<p style="text-align: center;">Approved with the following conditions:</p>
<div style="border: 2px solid black; padding: 5px; text-align: center;"> DENIED SEP 19 2011 </div> <p style="font-size: small;">Chevy Chase Village Manager</p>	<p style="text-align: center;">Denied for the following reasons:</p> <p><i>Deny because the Village arborist has assessed both the Zelkova and Sweet Gum trees, and found them both to be healthy, per report dated 9/15/11.</i></p>
<p>Filing Fee:</p> <p style="text-align: center;">\$50.00/tree x <u>1</u> trees = \$ <u>50.00</u> (up to \$350 max. per application)</p>	<p>Checks Payable to:</p> <p style="text-align: center;">Chevy Chase Village 5906 Connecticut Avenue Chevy Chase, MD 20815</p>
<p>Damage Deposit</p> <p><input type="checkbox"/> \$ _____</p> <p><input type="checkbox"/> Waived by Village Manager.</p>	<p>Staff Signature: _____</p> <p>Date: _____</p>
<p>Total Fees + Deposit:</p> <p style="text-align: center;"><u>\$50.00</u></p>	<p>Staff Signature: <i>Allen</i></p> <p>Date: <u>9/19/11</u></p>

Chevy Chase Village

Tree Inspection Request Form

Property Address: <u>134 Grafton Street</u>	
Date this form submitted to Village office:	
Resident Name: <u>Dafna Tapiero + Alan Fleischmann</u>	
Phone: <u>301-685-3346</u>	
E-mail: <u>dafnatapiero@yahoo.com</u>	
This request initiated by: <input type="checkbox"/> Village office staff. <input checked="" type="checkbox"/> Resident/property owner	
<input checked="" type="checkbox"/> Inspect tree(s) ¹ requested for removal -- are any of conditions in Village Code Sec. 17-3(a) met? <input type="checkbox"/> Inspect trees ¹ on property to determine if a Tree Protection Plan (TPP) is needed for proposed project ² . <input type="checkbox"/> Pursuant to a Village Bldg Permit application ² , prepare TPP for trees ¹ on property [\$250 fee] <input type="checkbox"/> Verify that a TPP has been implemented for Village Building Permit # _____. <input type="checkbox"/> Follow up on an existing TPP -- is it OK to remove TPP? <input checked="" type="checkbox"/> Village right-of-way/park <input type="checkbox"/> Other: _____	
¹ Show location of tree(s) on a plat or site plan (or on diagram on reverse, but only if plat unavailable). ² Attach full description of proposed project.	

Sections below must be completed by Village Arborist:

Tree #1: ☒ Private Property ☐ Village right-of-way
 Location: ☒ Rear ☐ Front ☐ Side-L ☐ Side-R
 DBH* = 17" Species: Zelkova Tag#: n/a: no tag.
 Assessment: C = TP. d = 3.145 x 17 = 53.5" circumference healthy

Tree #2: ☐ Private Property ☒ Village right-of-way
 Location: ☐ Rear ☒ Front ☐ Side-L ☐ Side-R
 DBH* = 24" Species: Sweet gum Tag#: GAC 8 ☐ n/a: no tag.
 Assessment: (not requesting removal)

Tree #3: ☐ Private Property ☐ Village right-of-way
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
 DBH* = _____ Species: _____ Tag#: _____ ☐ n/a: no tag.
 Assessment: _____

(For more trees, please check here ☐ and attach pages: # of extra trees ____; # of extra pages ____.)

Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

Removal Approved	Denied	*Is permit required? (i.e, is trunk circumf. ≥24'?)	Y	N
Tree #1 <input type="checkbox"/>	<input checked="" type="checkbox"/>		Tree #1 <input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree #2 <input type="checkbox"/>	<input checked="" type="checkbox"/>		Tree #2 <input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree #3 <input type="checkbox"/>	<input type="checkbox"/>		Tree #3 <input type="checkbox"/>	<input type="checkbox"/>

Arborist Signature [Signature] Date 9/15/11

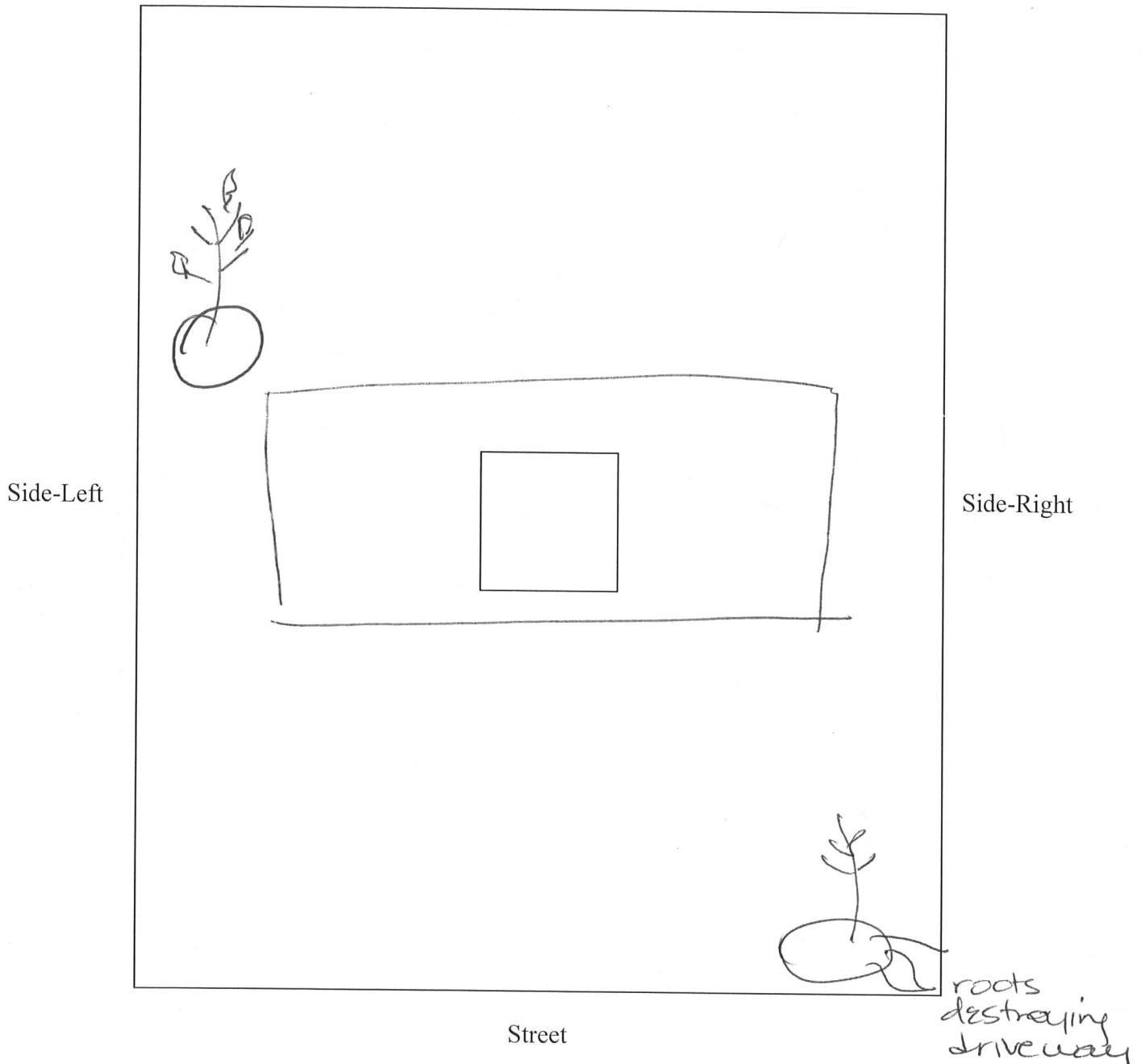
Diagram for Tree Inspection

(use this diagram ONLY if a plat or site survey is unavailable)

Instructions for Arborist (or) Notes from Arborist:

The tree in the rear should be inspected for removal to accommodate an addition. In the past, we have had numerous problems with the tree creating sparks, rubbing against wires, and power outages when there is wind. The tree in the front should be inspected because the roots have upended our driveway + we need to repave for safety.

Rear of house



Chevy Chase Village

Statement of Appeal for Tree Removal Permit

Subject Property: <u>134 Grafton Street, Chevy Chase, MD</u> <u>20815</u>	
Briefly Describe the Proposed Tree Removal (provide additional detail on following pages): <u>1 Zelkova tree. Please see location on attached plat.</u>	
Applicant Name(s) (List all property owners): <u>Alan H. Fleischmann and Dafna Tapiero</u>	
Daytime telephone: <u>202-458-5499</u>	Cell: <u>202-281-4171</u>
E-mail: <u>dafnatapiero@yahoo.com</u>	
Address (if different from property address):	
For Village staff use: Date this form received: <u>9/19/11</u> Tree Removal Permit Appeal No: _____	

Filing Requirements:

(Application will not be accepted or reviewed until the application is complete.)

- ☒ Completed Chevy Chase Village Statement of Appeal for Tree Removal Permit (this form)
- ☐ Denied Chevy Chase Village Tree Removal Permit Application
- ☒ Chevy Chase Village Tree Inspection Report from Village Arborist
- ☒ Surveys, plats, landscaping plans/specifications, or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc. and the tree(s) sought to be removed.
- ☒ Appeal fee (See fee schedule in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing appeal, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Alan H. F.

Date: 9-19-2011

Applicant's Signature: Dafna Tapiero

Date: 9-19-2011

Describe the basis for the appeal (attach additional pages as needed)

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:

The Zelkova tree is squarely within our property and provides shade primarily in our yard. Even without plans for a renovation, we would have probably tried to remove the tree to avert any damage that could arise from splitting, which zelkovas are known to do.

Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

The Zelkova is one of 8 trees in our yard, 2 of which are sizeable (4'10" diameter trunk, 38" trunk). They all contribute to the intent of Ch. 17 and our replacement tree will do the same.

Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

The Zelkova tree is no longer recommended by Chevy Chase Village as an appropriate tree because it is prone to splitting. Given the proximity to our house, that also makes it potentially hazardous. In addition, wires continue to rub against the tree, creating firework-like sparks that have required cordoning off the tree.

Describe the reasons for wanting to remove or destroy the tree(s):

Planning expansion/renovation.
(see attached plat drawing)

Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

After living here for 6 years, neighbors have been supportive and encouraging of our renovation/expansion plans. We are not aware of any opposition.

If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

The location of the tree would be the middle of a screened-in porch (1st floor) and master suite (2nd floor). It is the only place available for this addition, as the kitchen currently blocks the other possibilities.

Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are at least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

We plan to plant an American "Princeton" elm, currently on the Village's reforestation list. We are familiar with this tree and the beautiful cover it provides as we are from Princeton. Alternately, we will select a tree from the reforestation guidelines

Describe any hardship that would result if the requested tree removal is denied:

Our 85 year old father is increasingly visiting our home, and it is essential that he be able to have as much fresh air as possible - a screened-in porch would allow him to sit outside comfortably protected from mosquitoes

Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):

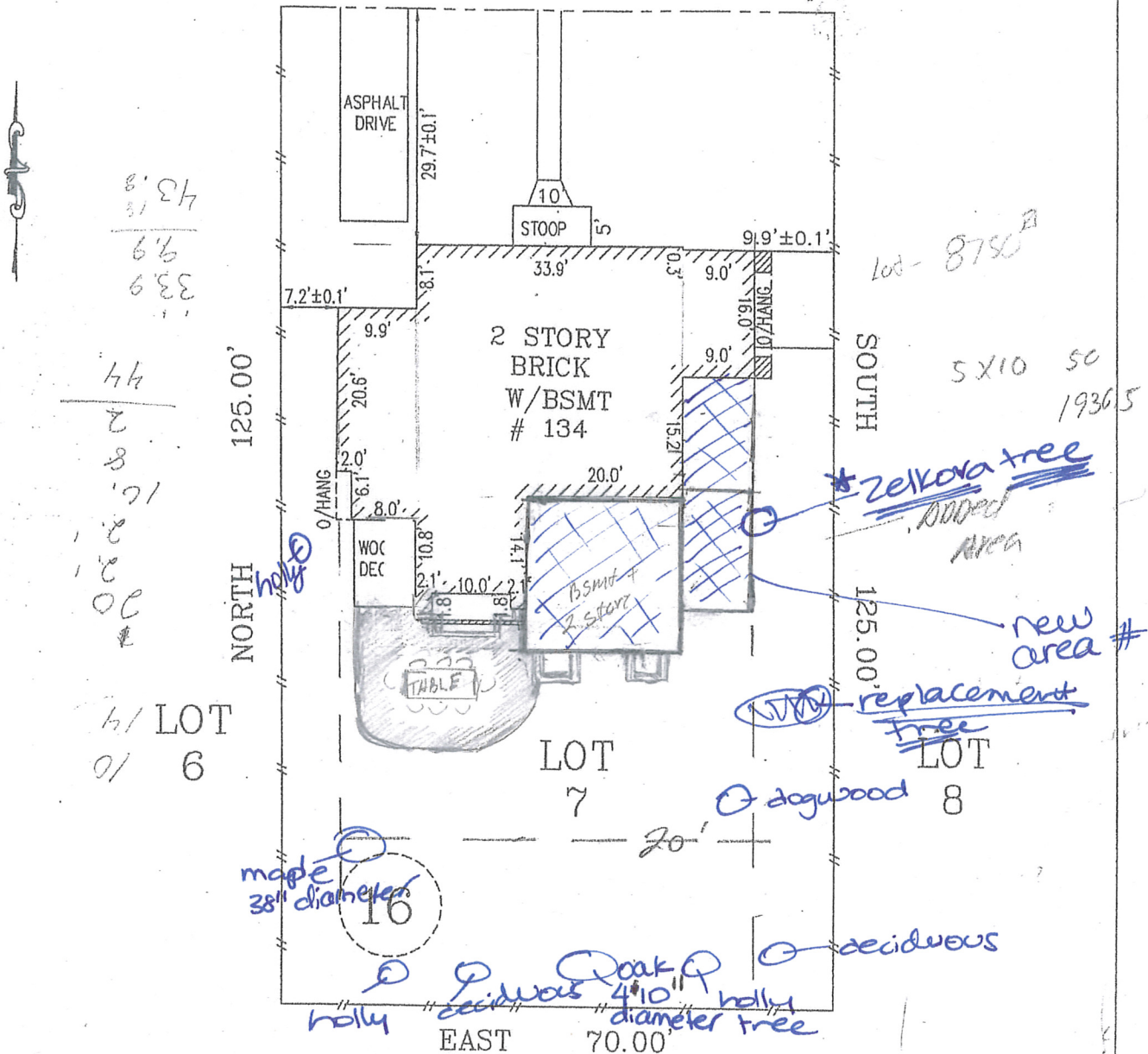
The Zelkova tree has proven to be a species that splits, which is why an American elm would be a good replacement.

Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

In authorizing a Tree Removal Permit as a result of this appeal, the Chevy Chase Village Board of Managers may require such conditions, terms or restrictions as it deems necessary in order to protect the public, health, safety or welfare, the reasonable use of adjoining properties and that will substantially effectuate the purpose and intent of Chapter 17 of the Chevy Chase Village Code.

Appeal Fee: \$250.00	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Fee Paid: \$ 250.00 Date Paid: 9/19/11	Staff Signature: <i>Ellen [Signature]</i> Date: 9/19/11

GRAFTON STREET WEST 70.00'



NOTES:

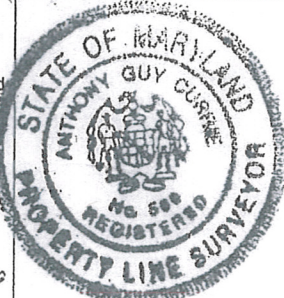
This survey was prepared without the benefit of a title report.

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed the property shown hereon for the purpose of locating the improvements only, and the improvements are located as shown. Exact property corners have not been established or set, unless otherwise noted. We assume no responsibility, or liability for any right-of-ways or easements recorded or unrecorded not appearing on the record plat or mentioned in the deed referred to hereon.

Surveyor

Date



HOUSE LOCATION SURVEY

134 GRAFTON STREET
CHEVY CHASE, MD. 20815
LOT 7 BLOCK 16
CHEVY CHASE

7th ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

LANDPLAN

12129 GEORGIA AVE.
SILVER SPRING, MARYLAND 20902

VOICE: 301-279-9990
FAX: 301-576-5056



ASSOCIATES

ENGINEERS • PLANNERS • SURVEYORS •

DRAFTER KS
CK.BY M.M.

SCALE: 1"=20'

LIBER / FOLIO
6881 / 586

PLAT BOOK / PLAT
4 / 349

FILE NO:

DATE:

7/03/09

134 Grafton Street
(Supplemental Photos Supplied by the Applicants)



Figure 1: Detail of the subject Zelkova tree trunk in the left (east) side/rear yard.



Figure 2: Detail of the subject Zelkova tree trunk.